IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2161 OF 2006.

Rajiv V. Bhoite. .. Petitioner.

versus

Bhartiya Kala Prasarini Sabha & Ors. .. Respondents.

...

Mr.R.S. Kate for the petitioner.

Mr.P.K.Dhakephalker for M.S. Vaidehi S. Mahispurkar, AGP for respondent no. 4 and N.P.Shimpi for respondent no.1.

CORAM : D.G. Karnik J.

Date : 23rd August,2006.

P.C:-

1. By this petition the petitioner challenges the order dated 21st March, 2006 of the Assistant Charity Commissioner directing the opponents to lead oral evidence on affidavit.

2. I am not inclined to interfere in the matter for reasons more than one. Firstly, the order is interlocutory and does not call for interferance at this stage. The petitioner is free to challenge it while challanging the final decision, if it is adverse to him

3. By the order dated 21st December, 2005, this court matter was remitted back the matter to the Assistant Charity Commissioner with the direction to consider the matter afresh without relying upon order passed by Deputy Charity Commissioner dated 21st January, 2002. The thrust of the order dated 21st December, 2005 passed by this court was that the Assistant Charity Commissioner should decide the matter without relying upon by the observation of the Deputy Charity Commissioner. It cannot said that the order prohibited the Assistant Charity Commissioner from taking oral evidence in the matter.

4. In the circumstances, there is no merit in the application. The writ petitioner is hereby rejected.

(D.G. KARNIK, J.)